

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**July 21-25, 1997**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
7-21	EX	74/584,732	Friends in the West	Hanak Hohein* Hairston	2(e)(1)	Refusal Affirmed		"AFRICAN CHILDREN'S CHOIR" [charitable fund raising services, featuring a choir]		D. Cohen	No
7-21	EX	74/606,357	Center for Medical Surgical Hair Restoration, P.C.	Sams Cissel* Seeherman	2(e)(1)	Refusal Affirmed		"LASERGRAFT" [surgical hair transplant services]		Stine	No
7-21	EX	74/611,247	Rieke Corp.	Simms Cissel* Hanak	whether the matter asserted for registration has become distinctive as a trademark, under Sec. 2(f)	Refusal Reversed (but application held 60 days for submission of new drawing and new description of mark)		configuration of a closure flange, which is crimped in place within an embossment of a metal drum [container closures installed in metal drums--namely, a crimped-in-place flange and drum and embossment combination]		Gaynor	No
7-22	OPP	94,915	NBC Fourth Realty Corp. v. T. J. Bailey, Inc.	Cissel* Quinn Hairston	2(d)	Opposition Dismissed	"T.J. MAXX" et al. [department store services, featuring apparel, etc.]	"T.J. BAILEY" [men's clothing retail store services]			No
7-22	EX	74/451,409	Brown & Williamson Tobacco Corp.	Simms* Hanak Hairston	2(d)	Refusal Reversed		design consisting of two concentrically-displayed six-sided figures [cigarettes]	design consisting of two concentrically-displayed five-sided figures (with open corners) [cigarettes]	Matthews	No
7-22	EX	74/570,031	Ameritec Corp.	Simms Seeherman* Walters	2(d)	Refusal Reversed		"NIAGARA" [telecommunications call generators and simulators]	"NIAGARA" [electrical transformers]	Szoke	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
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7-22	EX	74/496,567	Interstate Packaging Corp.	Sams Seeherman Hanak*	genericness; whether matter asserted for registration is registrable under Sec. 2(f)	Refusal Reversed		"JUMBO" [plastic or paper bags for merchandise packaging]		R. Clark	No
7-22	EX	74/492,091	Troxel Corp.	Rice* Quinn Hohein	genericness; whether matter asserted for registration is registrable under Sec. 2(f)	Refusal Affirmed (but only on ground that matter asserted for registration lacks 2(f) distinctiveness)		"AUTOMATIC BALANCING SYSTEM" [electronic and electro-mechanical temperature controls for use in connection with heating, ventilating, and air-conditioning systems]		Micheli	No
7-23	OPP	89,271	Homedics, Inc. v. Pollenex Corp.	Cissel Quinn Hairston*	2(d)	Opposition Sustained	"BODY BASICS" [health and fitness products, including massagers for home use]	"BODY BASICS" [hand held electrical massage apparatus]			No

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